



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5478

by Rep. Charles E. Meier

SYNOPSIS AS INTRODUCED:

210 ILCS 135/3	from Ch. 91 1/2, par. 1703
210 ILCS 135/4	from Ch. 91 1/2, par. 1704
210 ILCS 135/5	from Ch. 91 1/2, par. 1705

Amends the Community-Integrated Living Arrangements Licensure and Certification Act. Provides that the Department of Public Health (instead of the Department of Human Services) shall be responsible for licensure, investigations, and oversight of Community Integrated Living Arrangements. Authorizes rulemaking for the Department of Public Health (instead of the Department of Human Services). Provides that a license to operate a Community Integrated Living Arrangement shall expire one year (instead of 3 years) after issuance. Provides that if the Department of Public Health receives a complaint, then the Department shall (instead of may) conduct an unannounced visit and an investigation (instead of an investigation). Effective immediately.

LRB098 18081 RPS 53210 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Community-Integrated Living Arrangements
5 Licensure and Certification Act is amended by changing Sections
6 3, 4, and 5 as follows:

7 (210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

8 Sec. 3. As used in this Act, unless the context requires
9 otherwise:

10 (a) "Applicant" means a person, group of persons,
11 association, partnership or corporation that applies for a
12 license as a community mental health or developmental services
13 agency under this Act.

14 (b) "Community mental health or developmental services
15 agency" or "agency" means a public or private agency,
16 association, partnership, corporation or organization which,
17 pursuant to this Act, certifies community-integrated living
18 arrangements for persons with mental illness or persons with a
19 developmental disability.

20 (c) "Department" means the Department of Public Health
21 ~~Human Services (as successor to the Department of Mental Health~~
22 ~~and Developmental Disabilities).~~

23 (d) "Community-integrated living arrangement" means a

1 living arrangement certified by a community mental health or
2 developmental services agency under this Act where 8 or fewer
3 recipients with mental illness or recipients with a
4 developmental disability who reside under the supervision of
5 the agency. Examples of community integrated living
6 arrangements include but are not limited to the following:

7 (1) "Adult foster care", a living arrangement for
8 recipients in residences of families unrelated to them, for
9 the purpose of providing family care for the recipients on
10 a full-time basis;

11 (2) "Assisted residential care", an independent living
12 arrangement where recipients are intermittently supervised
13 by off-site staff;

14 (3) "Crisis residential care", a non-medical living
15 arrangement where recipients in need of non-medical,
16 crisis services are supervised by on-site staff 24 hours a
17 day;

18 (4) "Home individual programs", living arrangements
19 for 2 unrelated adults outside the family home;

20 (5) "Supported residential care", a living arrangement
21 where recipients are supervised by on-site staff and such
22 supervision is provided less than 24 hours a day;

23 (6) "Community residential alternatives", as defined
24 in the Community Residential Alternatives Licensing Act;
25 and

26 (7) "Special needs trust-supported residential care",

1 a living arrangement where recipients are supervised by
2 on-site staff and that supervision is provided 24 hours per
3 day or less, as dictated by the needs of the recipients,
4 and determined by service providers. As used in this item
5 (7), "special needs trust" means a trust for the benefit of
6 a disabled beneficiary as described in Section 15.1 of the
7 Trusts and Trustees Act.

8 (e) "Recipient" means a person who has received, is
9 receiving, or is in need of treatment or habilitation as those
10 terms are defined in the Mental Health and Developmental
11 Disabilities Code.

12 (f) "Unrelated" means that persons residing together in
13 programs or placements certified by a community mental health
14 or developmental services agency under this Act do not have any
15 of the following relationships by blood, marriage or adoption:
16 parent, son, daughter, brother, sister, grandparent, uncle,
17 aunt, nephew, niece, great grandparent, great uncle, great
18 aunt, stepbrother, stepsister, stepson, stepdaughter,
19 stepparent or first cousin.

20 (Source: P.A. 93-274, eff. 1-1-04.)

21 (210 ILCS 135/4) (from Ch. 91 1/2, par. 1704)

22 Sec. 4. (a) Any community mental health or developmental
23 services agency who wishes to develop and support a variety of
24 community-integrated living arrangements may do so pursuant to
25 a license issued by the Department under this Act. However,

1 programs established under or otherwise subject to the Child
2 Care Act of 1969, the Nursing Home Care Act, the Specialized
3 Mental Health Rehabilitation Act of 2013, or the ID/DD
4 Community Care Act, as now or hereafter amended, shall remain
5 subject thereto, and this Act shall not be construed to limit
6 the application of those Acts.

7 (b) The system of licensure established under this Act
8 shall be for the purposes of:

9 (1) Insuring that all recipients residing in
10 community-integrated living arrangements are receiving
11 appropriate community-based services, including treatment,
12 training and habilitation or rehabilitation;

13 (2) Insuring that recipients' rights are protected and
14 that all programs provided to and placements arranged for
15 recipients comply with this Act, the Mental Health and
16 Developmental Disabilities Code, and applicable Department
17 rules and regulations;

18 (3) Maintaining the integrity of communities by
19 requiring regular monitoring and inspection of placements
20 and other services provided in community-integrated living
21 arrangements.

22 The licensure system shall be administered by a quality
23 assurance unit within the Department which shall be
24 administratively independent of units responsible for funding
25 of agencies or community services.

26 (c) As a condition of being licensed by the Department as a

1 community mental health or developmental services agency under
2 this Act, the agency shall certify to the Department that:

3 (1) All recipients residing in community-integrated
4 living arrangements are receiving appropriate
5 community-based services, including treatment, training
6 and habilitation or rehabilitation;

7 (2) All programs provided to and placements arranged
8 for recipients are supervised by the agency; and

9 (3) All programs provided to and placements arranged
10 for recipients comply with this Act, the Mental Health and
11 Developmental Disabilities Code, and applicable Department
12 rules and regulations.

13 (d) An applicant for licensure as a community mental health
14 or developmental services agency under this Act shall submit an
15 application pursuant to the application process established by
16 the Department by rule and shall pay an application fee in an
17 amount established by the Department, which amount shall not be
18 more than \$200.

19 (e) If an applicant meets the requirements established by
20 the Department to be licensed as a community mental health or
21 developmental services agency under this Act, after payment of
22 the licensing fee, the Department shall issue a license valid
23 for one year ~~3 years~~ from the date thereof unless suspended or
24 revoked by the Department or voluntarily surrendered by the
25 agency.

26 (f) Upon application to the Department, the Department may

1 issue a temporary permit to an applicant for a 6-month period
2 to allow the holder of such permit reasonable time to become
3 eligible for a license under this Act.

4 (g)(1) The Department shall ~~may~~ conduct unannounced site
5 visits to an agency licensed under this Act, or to any program
6 or placement certified by the agency, and inspect the records
7 or premises, or both, of such agency, program or placement as
8 it deems appropriate, for the purpose of determining compliance
9 with this Act, the Mental Health and Developmental Disabilities
10 Code, and applicable Department rules and regulations.

11 (2) If the Department determines that an agency licensed
12 under this Act is not in compliance with this Act or the rules
13 and regulations promulgated under this Act, the Department
14 shall serve a notice of violation upon the licensee. Each
15 notice of violation shall be prepared in writing and shall
16 specify the nature of the violation, the statutory provision or
17 rule alleged to have been violated, and that the licensee
18 submit a plan of correction to the Department if required. The
19 notice shall also inform the licensee of any other action which
20 the Department might take pursuant to this Act and of the right
21 to a hearing.

22 (g-5) As determined by the Department, a disproportionate
23 number or percentage of licensure complaints; a
24 disproportionate number or percentage of substantiated cases
25 of abuse, neglect, or exploitation involving an agency; an
26 apparent unnatural death of an individual served by an agency;

1 any egregious or life-threatening abuse or neglect within an
2 agency; or any other significant event as determined by the
3 Department shall initiate a review of the agency's license by
4 the Department, as well as a review of its service agreement
5 for funding. The Department shall adopt rules to establish the
6 process by which the determination to initiate a review shall
7 be made and the timeframe to initiate a review upon the making
8 of such determination.

9 (h) Upon the expiration of any license issued under this
10 Act, a license renewal application shall be required of and a
11 license renewal fee in an amount established by the Department
12 shall be charged to a community mental health or developmental
13 services agency, provided that such fee shall not be more than
14 \$200.

15 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-441,
16 eff. 8-19-11; 97-813, eff. 7-13-12; 98-104, eff. 7-22-13.)

17 (210 ILCS 135/5) (from Ch. 91 1/2, par. 1705)

18 Sec. 5. (a) The Department shall ~~may~~ conduct an unannounced
19 site visit and an investigation upon receipt of a complaint to
20 insure that the agency is in compliance with this Act. If,
21 based upon the results of its investigation, the Department
22 determines that the agency is not in compliance with this Act,
23 it shall serve a notice of violation upon the agency as set
24 forth in paragraph (2) of subsection (g) of Section 4 above.
25 Upon request by a complainant, the Department shall notify the

1 complainant of the results of any investigation of a complaint.

2 (b) The complaint, a copy of the complaint, or a record
3 published, released or otherwise disclosed to the agency shall
4 not disclose the name of the complainant unless the complainant
5 consents in writing to the disclosure or the investigation
6 results in a judicial proceeding, or unless disclosure is
7 essential to the investigation.

8 (c) An agency licensed under this Act or its agents shall
9 not transfer, harass, dismiss, or retaliate against a recipient
10 who is the subject of a complaint under this Act.

11 (Source: P.A. 85-1250.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.